

MC/21/1534

Date Received: 24 May 2021
Location: Avenue Tennis Club Glebe Road
Gillingham Medway
Proposal: Proposed reduced scheme consisting of three 3-bedroom and three 4-bedroom dwellings with two detached Garages and associated parking, access road and open landscape area (resubmission of MC/20/3204)
Applicant: Jarvis Residential (Medway) LTD
Glen Jarvis
Agent: Mark Carter Associates
Mr Mark Carter
Design Studio
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ME7 4DD
Ward: Watling Ward
Case Officer: Madeline Mead
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 18th August 2021.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers 3111-035 Rev A, 3111-036 received 24 May 2021; 3111-031 Rev E, 3111-032 Rev B, 3111-033 Rev B received 29 July 2021.

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works

shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required prior to commencement to enable the Local Planning Authority to manage such development in the interests of neighbouring amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Those details shall include (where applicable):

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the approved details and thereafter be maintained.

Reason: Required prior to development to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

- 5 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk associated with the development

Reason: Required prior to development to manage surface water during and post construction and for the lifetime of the development as outlined at paragraph 168 of the National Planning Policy Framework 2021.

- 6 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 7 No development shall take place above ground floor slab level until details of the provision of electric vehicle charging points (1 per dwelling) have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 112E of the NPPF.

- 8 No development shall take place above ground floor slab level until details of a hard and soft landscape scheme have been submitted to and approved in writing by the Local Planning Authority. The submitted details should include:
- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting and services (including drainage), tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.
- ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape, raised planters, podium decks and green roofs), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).

iii. A timetable for implementation.

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 9 The development shall be implemented in accordance with the measures to address energy efficiency and climate change set out within the energy statement received on the 24 May 2021. Prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to the Local Planning Authority confirming that all the agreed measures have been undertaken and will thereafter be maintained on site

Reason: In the interests of sustainability and to positively address concerns regarding Climate Change in accordance with the NPPF.

- 10 No development shall take place above ground floor slab level until details of how the development will enhance biodiversity have been submitted to, and approved in writing by, the local planning authority. This will include recommendations in section 4.10 of the Preliminary Ecological Appraisal (KB Ecology August 2017). The approved details shall be implemented prior to first occupation of any dwelling and thereafter retained.

Reason: To provide improvements through biodiversity enhancements to wildlife habitat in accordance with the objectives of paragraph 180 of the NPPF and Policies BNE 37 and BNE39 of the Medway Local Plan 2003.

- 11 No part of the development shall be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and to accord with Policy T13 of the Medway Local Plan 2003.

- 12 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary

treatment shall be completed in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 13 Prior to the first occupation of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including communal amenity space (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 14 Prior to first occupation (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) shall be submitted to and approved in writing by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the scheme and plans approved pursuant to condition 4. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 168 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 15 Notwithstanding the submitted plans, the stairway window on the side elevation of plot 4, shall be fitted with obscure glass and shall be non-opening. This work shall be completed before the dwelling is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 16 From the commencement of works (including site clearance), all precautionary mitigation measures for reptiles are to be carried out in accordance with the details contained in the walkover survey (KB Ecology January 2021).

Reason: To enable the careful management of any reptile habitat during the course of any development works on site in accordance with the objectives of paragraph 180 of the NPPF and Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1 Classes A, B and E of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwelling houses herein approved shall remain in use as a dwelling house falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 19 No development shall take place until tree protection measures have been put in place, in compliance with the tree protection measures and methods of working set out in the tree protection plan (drawing Ref: 3111 - 036) and the Arboricultural Report (ref:SA/1769/20). Such measures shall be retained for the duration of the construction on site.

Reason: Required prior to commencement to protect the trees, in accordance with Policy BNE43 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks planning permission for the construction of three detached 4-bedroom dwellings, a detached 3-bedroom dwelling and a pair of 3-bedroom semi-detached dwellings, two detached double garages and associated parking access road and open landscaped areas.

To improve the access to the site from Second Avenue, side extensions at Nos. 26 and 28 have been demolished to increase the width of the access road to the site and also to provide a new footpath, approx. 1.9m wide, linking from the pavement on Second Avenue. The reduction in the rear gardens of these properties also allows provision for additional parking spaces within the development. This results in the rear gardens of nos. 26 and 28 being reduced to approx. 10m and 13m (respectively).

In addition, a parking space will be provided to the front of no. 26, while two spaces will be provided to the rear of no. 28. The new access road will be accessed via Second Avenue, running along the side boundaries of 26 and 28 and to the back of no. 28. Three dwellings are proposed to the east and three dwellings to the west of the access road.

The three-bedroom dwellings would provide at ground floor level living room, w.c., kitchen/breakfast and utility room and at first floor level three bedrooms, one with en-suite and a bathroom.

The four-bedroom dwellings would provide at ground floor level living room, w.c., kitchen/breakfast and utility room and at first floor level four bedrooms, one with en-suite and a bathroom.

Parking is provided either to the front or side of the properties, with visitors parking to the rear of number 26 Second Avenue. The end two four-bedroom dwellings would be provided with detached double garages.

Materials would consist of a mix of brick, render and roof tiles.

A landscape scheme is proposed with an indicative planting scheme consisting of a mix of trees to be retained, and new planting.

Site Area/Density

Site Area: 0.3 hectares (0.07 acres)

Site Density: 20dph (85.7 dpa)

Relevant Planning History

MC/20/3204	Construction of four 3-bedroom and three 4-bedroom houses with associated parking, access road and open landscape area Decision: Refused Decided: 6 April 2021
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- MC/19/2404 Construction of seven 4-bedroomed dwellings with associated parking and access road
Decision: Refused
Decided: 20 January 2020
Appeal dismissed on 31 July 2020
- MC/18/3114 Construction of eight 4-bedroomed dwellings with associated parking and access road (demolition of existing extension to 26 Second Avenue)
Decision: Refused
Decided: 20 February 2019
Appeal dismissed on 8 November 2019
- MC/15/1751 Construction of an indoor tennis centre with associated reception, changing facilities, function area, kitchen/cafe, grass/hard tennis courts, storage shed, entrance gates and parking area
Decision: Approved with Conditions
Decided: 29 July 2015
- MC/16/3217 Application for non-material amendment to planning permission MC/15/1751 - for enclosure and canopy over external dining area adjacent to restaurant
Decision: Approved with conditions
Decided: 7 September 2016
- MC/15/3205 Application for a variation of condition 2 for minor material amendment to planning application MC/15/1751 - Revised vehicle entrance position off Featherby Road, hard courts repositioned adjacent to the clubhouse with the parking positioned along Featherby Road, entrance position into club house building revised, balcony to club house at first floor removed, minor elevation change to materials on North East elevation, minor revisions to end elevation to North East and minor revisions to South West elevation (club house only)
Decision: Approval with conditions
Decided: 4 November 2015

Adjacent land:

- MC/17/2328 Construction of a single terrace of four town houses with associated parking and refuse storage - resubmission of MC/17/1708
Decision: Approved with conditions
Decided: 18 October 2017

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

41 letters (this includes multiple letters from same addresses/households) have been received raising the following objections:

- Overdevelopment of the site.
- Adverse impact on the character and appearance of the surrounding area.
- Backland and garden grabbing
- Adverse impact and pressure on local schools and services.
- Loss of trees and green land
- Noise and dust impact from traffic and construction process.
- Loss of leisure facility
- Increased traffic flow
- Inadequate access and provision of footway for pedestrians resulting in poor highway safety.
- Competition for parking on the existing public highway
- Potential flash flooding and inadequate surface water drainage
- Impact on amenity through loss of outlook, privacy, daylight and sunlight
- Loss of historic clubhouse
- Impact on the biodiversity of the area.
- Increase in the population density.
- Increased light and noise pollution.
- Loss of wildlife habitat.

Matters raised concerning land ownership, covenants, loss of view and depreciation in property value are not material planning considerations.

Councillor C Stamp has written in objecting to the proposal on the following grounds:

1. "Garden-grabbing"/back-land development: the development effectively amounts to back-land development or 'garden grabbing' as the development is being facilitated by the partdemolition of an existing residential property with inadequate access and egress from the site. This development would cause a significant increase in noise levels if this development was approved. 6 houses and 2 detached garages are literally being built in the back gardens of the surrounding properties. There is also a road going through the development which will increase noise levels even more, with cars going to and from the properties. I feel this is in breach of Policy H9 and Policy BNE3 of the Local Plan.
2. Over-development of the site: building 6 properties and 2 detached garages on a back-land site of this nature is excessive and constitutes an over-development of the site. The proposed garden sizes are also very small and

not in keeping with the character of the area. Building three houses and putting 4 car parking spaces in the back garden of number 26 Second Avenue, significantly reduces the size of this garden, leaving it only a fraction of the size that it was. This is not in keeping with the character of the area. Plot 4 runs down the whole length of an adjoining garden. This will cause loss of daylight. The proposals are cramped and overbearing; it will cause overlooking to the surrounding properties and gardens. Policy H9 of the Local Plan states 'back-land development will be admitted when there is no loss of privacy from overlooking adjoining houses and/or back gardens. The planning application clearly shows that there will be loss of privacy. I feel that this is in breach of Policy H9 and Policy BNE2 of the Local Plan.

3. Inadequate parking provision: parking is already at a premium on Second Avenue and the surrounding area. The proposed development will make the existing parking problems even worse. While there appear to be 2 parking spaces provided per property, the provision of 4- bedroom family homes mean it is inevitable that they will have more than 2 vehicles, resulting in a over-spill of vehicles parking on Second Avenue and the wider surrounding area. This is supported by the fact that the development is in a suburban area where public transport links are poor and day-to-day facilities are not within walking distance, which means residents are likely to be reliant on the use of a car.
4. Road safety: Second Avenue is an increasingly busy residential street which is being used more and more as 'rat-run'. Cars are parked on both sides of the road, leaving just a single lane thoroughfare for vehicles despite it being a two-way street. The shortage of available on-street parking means there are very few passing places for vehicles travelling in opposite directions, which encourages vehicles to speed up and down the road. The cramped on-street parking situation also means there is very poor visibility for vehicles turning into and out of the existing junctions with Keeley Mews, Portree Mews, Ashburn Mews and Glebe Road. The new access to the proposed development will have no clear sight lines looking up and down Second Avenue. This poses an unacceptable additional road safety risk. The proposed new access is located opposite Keeley, Portree and Ashburn Mews, which will exacerbate existing road safety issues.
5. Poor access and egress: cars parked on-street on Second Avenue (on both sides of the new access road and opposite the new access road) will restrict access to and egress from the proposed development. This will make it extremely difficult for the emergency service (particularly the fire service) and refuse collection lorries to access the development when turning into the development and when turning back onto Second Avenue.
6. Environmental Impact: the proposed development will result in the unacceptable loss of trees and green space which will be detrimental to both the visual amenity of the area and to local wildlife.

This is the fourth planning application that has been submitted. The first and second planning applications were refused by the Planning Committee and appealed to the Secretary of State. The first appeal was dismissed by the Secretary of State stating, "I conclude the scheme conflicts with the development plan as a whole and with the framework". The second appeal was dismissed by the Secretary of State stating "..... this would not outweigh the harm that would result due to the harm caused to the character and appearance of the surrounding area and the conflict with the policies in the development plan. I therefore conclude, for the reasons set out above, the appeal is dismissed"

This current planning application still conflicts with the policies in the development plan and would result in harm to the character and appearance of the surrounding area

14 letters have been received in support of the application. *(note that the objectors question the validity of the letters of support as they contend that many have been submitted by employees of the tennis club)*

KCC Ecology has advised that the ecological information submitted in support of this application is sufficient.

Southern Water have advised that a sewer may be crossing the site and if during construction works one is found, investigation of the sewer will be required to ascertain its ownership. They have also provided details of distances from the sewer for construction works, tree planting and soakaways.

Natural England advises that subject to the appropriate financial contribution being secured, they are satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.

Planning Appraisal

Background

A planning application for 8 dwellings under ref: MC/18/3114, was refused on 20 February 2019 and subsequently dismissed on appeal on the 8 November 2019.

A further application was submitted for 7 dwellings under ref: MC/19/2404. This application was refused on 20 January 2020 for the following reason:

1. The proposed development by reason of its design layout, scale and poor relationship to surrounding neighbouring occupiers results in a cramped form of development that would have a negative adverse impact on the character and appearance of the area. The limited distances and short gardens would result in increased levels of overlooking that would have a detrimental impact on the amenity of the neighbouring occupiers, in particular to plots 1-4. The proposal as such would result in overdevelopment of this backland site and would not result in a clear improvement of the local area. The proposal is therefore contrary to Policies H4, H9, BNE1 and BNE2 of the Medway Local Plan, and paragraphs 124 and 127 of the NPPF.

In a subsequent appeal to the Planning Inspectorate, the appeal was dismissed on 31 July 2020. The Planning Inspector considered the main issues to be impact of the development on:

- a) The character and appearance of the surrounding area; and
- b) The living conditions of the occupiers of adjacent properties.

On the first issue, the Inspector comments (paragraphs 4 – 7) that ‘whilst the revised scheme differs in layout to the previously dismissed appeal, the side elevations of the proposed dwellings on Plots 1, 4 and 5 would be very close to the boundaries of the adjoining rear gardens of dwellings on First Avenue, Second Avenue and Glebe Road and only limited landscaping is proposed to soften the visual appearance of the side elevation walls. As a result, the proposed dwellings on Plots 1,4 and 5 would have a cramped appearance which would significantly detract from the overall appearance of the development proposed and the surrounding area. The Inspector concluded the development proposed would have a significant harmful effect on the character and appearance of the surrounding area.

On the second issue, the Inspector comments (paragraphs 8 – 13) and concludes ‘that the development proposed would not have any detrimental impact on the living conditions of the occupiers of the neighbouring dwellings’.

A further application was submitted for 7 dwellings under ref: MC/20/3204. This application was refused on 6 April 2021 for the following reason:

1. The proposed development by reason of its layout and scale would result in a cramped form of development that would have a significantly harmful effect on the character and appearance of the surrounding area. The proposal as such would result in overdevelopment of this backland site and would not result in a clear improvement of the local area. The proposal is therefore contrary to Policies H4, H9 and BNE1 of the Medway Local Plan, and paragraphs 124 and 127 of the NPPF.

No appeal has been lodged in relation to that refusal. This current application has been submitted to address the issue raised by the Committee regarding the harm caused to the character and appearance of the surrounding area.

Principle

The previous application raised no objection to the loss of the former tennis courts and the appeal decision corroborates this. The site is in a sustainable location in an urban area, and Policy H4 supports residential development in urban areas. Policy H9 supports backland development subject to a number of criteria being met. Paragraph 11 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Subject to compliance with the detailed matters of these policies which are subject to assessment below, the principle of the site for residential development is considered acceptable given the residential character of the area.

Design

Paragraphs 126 and 130 of the NPPF emphasise the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

In terms of design, the proposed development is two storey in height, with a mix of barn hip and gabled roofs. The height of the proposed development would be in keeping with the existing built form within the area. Due to the backland nature of the site, the development would not cause harm to the street scene.

The two detached double garages would be of pitched roof design.

With regard to the Inspectors comment 'the side elevations of the proposed dwellings on Plots 1, 4 and 5 would be very close to the boundaries of the adjoining rear gardens of dwellings on First Avenue, Second Avenue and Glebe Road and only limited landscaping is proposed to soften the visual appearance of the side elevation walls. As a result, the proposed dwellings on Plots 1, 4 and 5 would have a cramped appearance which would significantly detract from the overall appearance of the development proposed and the surrounding area.'

The proposed development reduces the number of houses on the eastern side of the access from four dwellings to three dwellings, this allows for the introduction of landscape screening of approx. 2.7m between plot 1 and the rear boundary and gardens of the properties on Second Avenue. The dwelling on plot 1 is further separated from the rear boundary of the properties in Second Avenue by a proposed double garage and would therefore bring the separation distance from the rear boundary to the side elevation of plot 1 to approx. 12m. Landscape screening between approx. 4.7m and 6.4m wide is proposed between the side elevation of plot 4 and the rear gardens of the properties on First Avenue. The proposed application would introduce the construction of a detached double garage to the front of plot 4. The plot that would have bounded the rear gardens of Glebe Road has been removed from this position.

The current scheme proposes six houses, two double garages and areas of soft landscaping and screening. Consequently, it is considered that the current scheme

has sought to address the only issue raised by the Inspector, as such, the proposed development would not result in a cramped appearance that would detract from the overall appearance of the development or surrounding area.

Subject to a condition to secure the materials and appropriate landscaping, the proposal would be in accordance with Policy BNE1 of the Local Plan and the objectives of paragraphs 126 and 130 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwellings on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 130f of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

The current proposal arranges plots 1-3 aligned along the eastern boundary of the site. This arrangement results in the rear elevations and rear gardens of these plots backing on to gardens of properties within Second Avenue. These properties have significantly long rear gardens, over 60m. Given the layout and orientation of the houses (plots 1-3), the distances to the closest rear garden (which would range between 11.8m and 14.5m from the rear elevation of the proposed dwellings and the boundary with the neighbouring garden), and the additional hedging providing a further 1m buffer along this neighbouring garden, it is considered that the section of the garden that is likely to be affected would not be significant as to result in harm to the living conditions of the occupiers of that property in terms of loss of privacy.

The side elevation of plot 1 is approx. 31m from the rear elevations of the properties within Second Avenue. A window, in the side elevation between ground and first floor level, is proposed to serve the staircase, however, considering the distance to the gardens of the properties in Second Avenue, it is not considered that this window would have a detrimental impact to neighbouring properties in terms of overlooking/loss of privacy.

The rear elevation of plots 5 to 6 are approx. 41m from the rear elevations of the properties in Glebe Road. The side elevation of plot 6 is approx. 24.7m from the rear elevations of the properties in Second Avenue.

Plot 4 would have a window in the side elevation between ground and first floor level that would serve the staircase. This window would overlook the rear garden of the adjacent building within Glebe Road and therefore it is recommended that a condition be secured for the window to be obscure glazed and non-opening.

Overall, the current scheme would not present unacceptable amenity issues in terms of overlooking, loss of daylight, privacy or sunlight to the neighbouring properties.

Amenity of Future Occupiers

With regard to the amenities of the future occupiers, the proposed flats have been considered against the Technical housing standards - nationally described space standard dated March 2015.

The proposed dwellings would comprise three 3B5P dwellings and three 4B7P dwellings. The nationally described space standards require a gross internal floor area of 93m² for a 3B5P and 115m² for a 4B7P unit. A double bedroom should have a floor area of 11.5m² and be at least 2.55m wide, with subsequent double bedrooms 2.55m wide and a single bedroom should have a floor area of 7.5m² and be at least 2.15m wide. All of the proposed dwellings would exceed these requirements.

The proposal is therefore considered to provide adequately sized living accommodation for future occupants of the units.

The Medway Housing Design Standards requires a depth of 10m for private amenity space. All of the dwellings are provided with rear gardens and side access to these gardens. All of the gardens would be over 10m in depth and therefore it is considered that adequate amenity space would be provided.

In order to control development within the site, it is necessary to remove permitted development rights for enlargement to the houses and to ensure the houses remain in single family occupancy. As such, a conditions removing permitted development rights for extensions under Classes A, B and E and removing rights for small HMOs are recommended. These conditions are necessary in the interest of amenity.

The construction of the development itself could lead to noise and nuisance dust emissions to nearby residential properties and therefore a condition requiring the submission of a Construction Environmental Management Plan is recommended.

Consequently, the proposal would be in accordance with Policy BNE2 of the Local Plan and paragraph 130(f) of the NPPF.

Highways

The site access is to be provided via simple bell mouth junction with a road width of 4.8m maintained throughout the site and this is considered acceptable in terms of access.

In line with Medway Councils Interim Parking Standards, two car parking spaces would be required for a 3+ bedroom dwelling. Due to the size of the development, a further two visitor parking spaces should be provided. The proposed development would

provide two car parking spaces per dwelling and three visitor parking spaces and therefore would provide adequate parking for the proposed development.

Paragraph 112E outlines that development should provide electric charging facilities, therefore a suitably worded condition is recommended to secure this.

It is considered that the proposed development would comply with Policies T1, T2 and T13 of the Local Plan and paragraph 111 and 112E of the NPPF

Sustainable Drainage

The proposed development is located in a drainage catchment with some areas 'downstream' that are prone to flooding. The government's Flood Risk and Coastal Change guidance states any development should not increase flood risk off-site and elsewhere, so a drainage scheme needs to be appropriately secured including surface water drainage mitigation through soakaways for example. As the site will have increased impermeability, surface water runoff is likely to increase. Soakaways have been proposed which are a suitable option to manage surface water, but need to be ensured they have capacity to cope.

In addition, the applicant would also need to demonstrate how water quality will be managed across the site. The site is located above an area of groundwater, which is of moderate susceptibility to contamination. It is therefore required that any infiltrating water (such as that from soakaways) should be free of contaminants. Permeable paving however is likely to be appropriate. The use of rainwater harvesting, grey water recycling and water butts where practicable is also recommended, in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies. Using these systems may allow smaller soakaway units to be used, as there will be alternative storage for rainwater under storm conditions.

A maintenance scheme would need to be submitted and approved for any Sustainable Urban Drainage Systems (SuDS such as soakaways and permeable paving) on site. This includes details of when and what maintenance will be carried out, as well as who will be carrying it out. Accordingly, an appropriate planning condition is recommended to be imposed to address this.

Impact on wildlife

The original ecological survey submitted with the application was carried out in 2017. An updated walkover survey has since been carried out and this survey states that habitat has not significantly changed since the original survey in 2017 and that small areas of habitat on-site are still suitable for reptiles. The report recommends a suitable precautionary approach, including habitat manipulation during the reptile active period. To secure precautionary mitigation measures for reptiles a suitable worded condition is recommended.

Bird-nesting habitat is present on and around the site that provide opportunities for breeding birds. As breeding birds are protected, any site clearance works should be undertaken outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation will be impacted during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds. An informative is recommended to remind the applicant of their responsibilities in respect of this.

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, in accordance with paragraph 180 of the NPPF which states “...opportunities to improve biodiversity in and around developments should be integrated as part of their design”. Therefore, an enhancement plan for biodiversity will be required (incorporating enhancements that are in addition to the necessary mitigation measures) and it is recommended that this is secured by planning condition.

Subject to the suggested conditions above, no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 180 of the NPPF.

Trees

The application has been submitted with an arboricultural report and tree protection measures plan. Trees are present on the site and in adjacent neighbouring gardens. No objection is raised to the removal of the trees that have been identified for removal on the site, subject to replacement tree planting within the landscaped areas of the proposed development. A condition is recommended to secure tree protection measures for the retained trees either on site or within the neighbouring gardens. Overall, it is considered that the removal of the trees identified on the site is acceptable and complies with Policy BNE43 of the Local Plan and paragraph 174 of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £253.83 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities.
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach.
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have completed the SAMMs mitigation contribution agreement and paid this tariff under planning reference MC/19/2404 and no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

Climate Change and Energy Efficiency

The applicant has indicated within the submitted energy statement, by Mark Carter Associates (dated MAY21) the following would be incorporated within the development:

- Maximum water usage of 110 litres per person per day, including a 5-litre allowance for external water use.
- All materials are to be sourced from suppliers who are environmentally accredited. All materials to be used to exceed the requirements of the latest building regulations and in particular Part L (Energy Use) and will utilise materials that meet the BRE Green Guide A+ rating. (Materials which have the lowest overall environmental impact over the lifecycle of a product as calculated by BRE Environmental Assessment Method).
- 100% LED lighting throughout the scheme. Photoelectric controls would be part of the specification for external lighting.
- Rainwater collected and reused for garden areas.
- A 98% efficient gas combination boiler will be used for the heating system using underfloor heating system.
- Hardstanding areas will be porous paving.
- Glazing will be thermally insulated gas filled to reduce heat loss. Glazing will be tinted to reduce solar glare and overheating of the building.
- Dwellings will meet the requirement of approved document L1A 2013.
- Electric charging points to each dwelling.
- The site is within an urban residential area in close proximity of local shops, amenities and primary and secondary schools within easy walking distance, avoiding the necessity to use car travel. Due to the close proximity of amenities including public transport, public park, leisure facilities, businesses and shopping facilities from the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car. Secured bike storage can be provided within the secured rear private gardens or within

garages, as such the development offers the opportunity for a sustainable transport solution.

The above are recommended to be secured by a condition.

Conclusions and Reasons for Approval

It is considered that the proposal has satisfactorily addressed the concerns of both the Inspectors in the appeals as well as the reason for refusing the previous application. As such the scheme under this current proposal is considered to be acceptable and would comply with Policies BNE1, BNE2, BNE35, BNE43, H4, H9, S6, T1, T2 and T13 of the Medway Local Plan 2003 and the objectives of paragraphs 111, 112E, 126, 130, 174, 180 and 181 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>